

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

LAUREN MARIE ANDRZEJEWSKI,

Petitioner,

v.

CIVIL ACTION NO. 1:04-1343

DEBORAH HICKEY,

Respondent.

MEMORANDUM OPINION AND JUDGMENT ORDER

By Standing Order filed in this case on December 27, 2004, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation on January 30, 2006, and proposed that this court (1) confirm and accept the magistrate judge's findings, (2) deny petitioner's writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1), and (3) direct the Clerk to remove this matter from the court's docket.

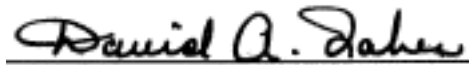
In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Proposed Findings and Recommendation. Neither party filed any objections to the magistrate judge's proposed findings. The failure of any party to file objections within the appropriate time frame

constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985).

Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court (1) **CONFIRMS** and **ACCEPTS** the magistrate judge's findings; (2) **DENIES** petitioner's writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1); and (3) **DIRECTS** the Clerk to remove this action from the active docket of this court and to forward a copy of this Memorandum Opinion and Judgment Order to all counsel of record and the plaintiff, pro se.

IT IS **SO ORDERED** this 20th day of April, 2006.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge